

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>AXIS SURPLUS INSURANCE COMPANY,</b>	<b>:</b>
<b>Plaintiff,</b>	<b>:</b>
<b>vs.</b>	<b>: CA 05-0527-P-C</b>
<b>INNISFREE HOTELS, INC.,</b>	<b>:</b>
<b>Defendant.</b>	<b>:</b>

**ORDER**

This matter comes before the Court on plaintiff's Motion to Dismiss Litigation of Damages Issues Raised by Counterclaim in Favor of Appraisal (Doc. 26). The Court, having previously entered an Order deeming the Motion as Moot (Doc. 36), now ORDERS as follows:

1. The parties are in agreement that disputes in this litigation related to the amount of damages owed under the insurance policies in question are subject to the appraisal process as outlined in the policies. Therefore, the parties are ORDERED to engage in the process of appraisal as set forth in the policies. Issues related to the process of appraisal are STAYED except as otherwise set forth herein.

2. The Court will retain jurisdiction over the appraisal process in order to resolve any disputes that may arise that are within the Court's jurisdiction.

3. The parties are ORDERED to inform this Court, in writing, of

the status of the appraisal process every 60 days, with the first status report due no later than 60 days from the date of this Order.

DONE AND ORDERED this 23rd day of January, 2006.

s/WILLIAM E. CASSADY  
UNITED STATES MAGISTRATE JUDGE